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EXAMINER	
NALEVANKO, CHRISTOPHER R	
ART UNIT	**PAPER NUMBER**
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,484	CONNELLY, JAY H.	
	Examiner	Art Unit	
	Christopher R. Nalevanko	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/27/2005 have been fully considered but they are not persuasive.

Regarding Claims 1, 15, and 25, Applicant argues that "Seidman discloses the concurrent transmission of audio and video streams for navigation by a user and not, as recited by amended Claims 1, 15, and 25, for storage within one or more client systems according to respective content rating tables of the one or more client systems. . . . Consequently, Applicant respectfully submits that Seidman fails to disclose at least the broadcast of a subset of the data files for storage within one or more client systems by a service provider as recited by amended Claims 1, 15, and 25" (page 13 lines 1-9). Examiner asserts that Seidman clearly shows the broadcast of a subset of data files for storage within one or more client systems by a provider based on the content rating tables of the client. Seidman shows that program segments, or subsets of data files, are sent to the user from a program provider (col. 9 lines 15-55, transmission of multiple program segments, overlapping media streams, see figs. 8 and 9). Subsequently, if these program segments overlap in time, the system may store these segments (col. 9 lines 45-67, storing of content segment prior to viewing, if there is overlap storage may be required). Finally, this program storage may by implemented by the system automatically using the history summary information to only store relevant segments based on user ratings (col.

10 lines 1-6, segment selection done automatically by the STB using the selection history summary).

Regarding Claims 6, 19, and 28, Applicant further argues that "[b]ased on the cited passage above, Applicant respectfully submits that content storage disclosed by Seidman requires user intervention to either view an in progress program segment from the point where he entered or storing that segment for subsequent viewing. . . . Hence, Applicant respectfully submits that the segment storage as taught by Seidman is performed in response to some sort of user activity, including user viewing of in progress segments. . . . Conversely, Claims 6, 19, and 28 perform storage of data files based on a content rating table and not based on some user activity as taught be Seidman" (page 13 lines 34-36, page 14 lines 9-11, 21-23). As stated above, Seidman clearly shows storing data files based on a content ratings table. Although Seidman does disclose storing additional program segments in response to a user selection, Seidman additionally shows that the set top box may automatically store relevant program segments based upon a user's ratings (col. 10 lines 1-6, segment selection done automatically by the STB using the selection history summary). After it is determined that multiple program segments or streams are available that overlap in time, the system uses the client's viewing history information to determine what program segments to store. This is clearly using a ratings table to determine the appropriate content to store.

Regarding Claim 34, Applicant argues that "Seidman is devoid of any disclosure regarding the combining of data files to be broadcast by a broadcast service system and data files available from a service provider system, to receive ratings of the combined

first and second plurality of data files and the subsequent broadcast of the selected subset of the tirst plurality of data tiles for selective storage within one of our client systems as recited by Claim 34. Conversely, Seidman teaches that the transmitted program segments are part of the multiplexed digital stream from a single service provider or a single broadcast service system for navigation thereof by a user to select segments to form a customized segment stream" (page 15 lines 21-28). First, Examiner asserts that there is nothing in the claimed limitations that states "combining" data files, therefore the limitation does not need to be considered. Additionally, Seidman clearly shows sending files from a broadcast service system, or broadcasting data (col. 10 lines 58-67, broadcasting system). Seidman also shows transmitting additional data, such as hyperlinks, embedded data, and meta-data, which constitutes service provider data (col. 5 lines 13-21, text files, computer programs, pointers, col. 7 lines 34-39, col. 8 lines 15-35, embedded hyperlink data). Although this data may be provided by the same head-end, this data is clearly different and is provided by a different server, which constitutes a service provider system. Additionally, there is nothing in the claimed limitations that precludes the "broadcast service system" and the "service provider system" to be a part of the same overall head end system. In fact, a broadcast service system is most certainly a service provider system, and vice versa. Therefore, the limitations can be read as the same system and Seidman clearly shows providing broadcast data (tv data, etc.) and other forms of multimedia data (hyperlinks, text data). Seidman further shows that head end receives ratings of the first and second data files (col. 7 lines 10-55, col. 8 lines 15-35, determining user history of viewing broadcast data and embedded data, report indicating

selection of data sent to headend). Finally, the arguments with regards to the storage of data files has been discussed above.

Regarding Applicant's arguments pertaining to the 35 USC 103 rejections, the Examiner has addressed all of the relevant arguments in discussion above regarding the cited Seidman reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 7, 11, 15, 19, 20, 25, 28, 29, 33, and 34-36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Seidman et al (6,298,482).

Regarding Claim 1, Seidman shows a method broadcasting meta-data to one or more client systems (col. 7 lines 34-40, col. 8 lines 16-35, embedded hyperlink data), including descriptions of a first plurality of data files available from a service provider system and a second plurality of data files to be broadcast by a broadcast service system (col. 5 lines 13-22, col. 7 lines 39-55, data describing programming data, col. 9 lines 20-40, plurality of program segments for viewing), rating the first plurality of data files and second plurality of data files (col. 6 lines 25-52, col. 7 lines 63-67, col. 8 lines1-11, user ratings and profile of different shows), broadcasting according to the ratings a subset of

the first plurality of data files for selective storage (col. 9 lines 45-67, storing of content segment prior to viewing, if there is overlap storage may be required, col. 10 lines 1-6, segment selection done automatically by the STB using the selection history summary) to the one or more client systems according to the content ratings tables and the second plurality of data files to be broadcast by the broadcast service system (col. 3 lines 55-67, program segments broadcast to users based on profile, col. 8 lines 20-50, head-end supplies different data based on ratings and profile).

Regarding Claim 6, Seidman shows a method comprising receiving meta-data, the meta-data including descriptions of a first plurality of data files available from a service provider system and a second plurality of data tiles to be broadcast by a broadcast service system (col. 7 lines 34-40, col. 8 lines 16-35, embedded hyperlink data, col. 5 lines 13-22, col. 7 lines 39-55, data describing programming data, col. 9 lines 20-40, plurality of program segments for viewing), rating, in response to a content rating table, at least one of the first and second plurality of data files described by the meta-data, the content rating table generated responsive to a user (col. 6 lines 25-52, col. 7 lines 63-67, col. 8 lines1-11, user ratings and profile of different shows), receiving a portion of the first plurality of data files broadcast by the service provider system and the second plurality of data files broadcast by the broadcast service system (col. 3 lines 55-67, program segments broadcast to users based on profile, col. 8 lines 20-50, head-end supplies different data based on ratings and profile), and storing, based on the content rating table, one or more of a portion of the second plurality of data files broadcast by the broadcast service system and one or more of the portion of the first plurality of data files broadcast by the service

provider system (col. 9 lines 45-67, storing of content segment prior to viewing, if there is overlap storage may be required, col. 10 lines 1-6, segment selection done automatically by the STB using the selection history summary).

Regarding Claim 7, Seidman shows transmitting the user ratings to the service provider (col. 6 lines 40-67, sending user history and preferences to head end).

Regarding Claim 11, Seidman shows storing data files in memory for the user's eventual selection (col. 9 lines 45-67, storing overlapping segments). Although not specifically stated it is nonetheless inherent that the STB uses memory, RAM, or a digital disk to store this data.

Regarding Claim 15, Seidman shows a processor having circuitry to execute instructions (col. 11 lines 10-24, microcontroller), a communications interface coupled to processor to receive and transmit data from and to clients (col. 4 lines 30-55, communications path), and a storage device having instructions to execute the processor (col. 11 lines 24-35, RAM). All other limitations of the claim have been discussed with regards to Claim 1.

Regarding Claim 19, Seidman shows a processor having circuitry to execute instructions (col. 11 lines 10-24, microcontroller), a communications interface coupled to processor to receive and transmit data from and to clients (col. 4 lines 30-55, communications path), and a storage device having instructions to execute the processor (col. 11 lines 24-35, RAM). All other limitations of the claim have been discussed with regards to Claim 6.

Regarding Claim 20, Seidman shows transmitting the user ratings to the service provider (col. 6 lines 40-67, sending user history and preferences to head end).

Regarding Claim 25, Seidman shows machine readable medium having instructions stored thereon that execute a processor (col. 11 lines 10-30). All other limitations have been discussed with regards to Claim 1.

Regarding Claim 28, Seidman shows machine readable medium having instructions stored thereon that execute a processor (col. 11 lines 10-30). All other limitations have been discussed with regards to Claim 6.

Regarding Claim 29, Seidman shows transmitting the user ratings to the service provider (col. 6 lines 40-67, sending user history and preferences to head end).

Regarding Claim 33, all limitations of the claim have been discussed with regards to Claim 11.

Regarding Claim 34, Seidman shows a system comprising a service provider broadcast server (col. 4 lines 30-40, head end with media content), and one or more client systems coupled to the service provider broadcast server (col. 4 lines 30-57, user STB connected to head end), wherein meta-data is broadcast to the one or more client systems, the meta-data including descriptions of a first plurality of data files available from the service provider broadcast server and a second plurality of data files to be broadcast by a broadcast service system (col. 7 lines 34-40, col. 8 lines 16-35, embedded hyperlink data, col. 5 lines 13-22, col. 7 lines 39-55, data describing programming data, col. 9 lines 20-40, plurality of program segments for viewing), wherein the one or more client systems

rate, one or more of the first and second plurality of data files described by the meta-data (col. 6 lines 25-52, col. 7 lines 63-67, col. 8 lines 1-11, user ratings and profile of different shows) the content rating table generated responsive to data files previously accessed (col. 5 lines 53-63, storing viewer's previous selections, col. 6 lines 2-8), wherein the one or more client systems transmit, to the service provider broadcast server, the ratings of the first and second plurality of data files (col. 6 lines 40-67, sending user history and preferences to head end), wherein the service provider server selects a portion of the first and second plurality of the data files according to the ratings received from the one or more client systems (col. 3 lines 55-67, program segments broadcast to users based on profile, col. 8 lines 20-50, head-end supplies different data based on ratings and profile), and wherein the service provider system further broadcasts the selected portion of the first plurality of data files for selective storage within the one or more client system (col. 3 lines 55-67, program segments broadcast to users based on profile, col. 8 lines 20-50, head-end supplies different data based on ratings and profile) according to respective content rating tables of the client systems (col. 9 lines 45-67, storing of content segment prior to viewing, if there is overlap storage may be required, col. 10 lines 1-6, segment selection done automatically by the STB using the selection history summary).

Regarding Claim 35, Seidman shows the systems selectively store data files from the selected portion of the first and second plurality of data files in response to a content rating table associated with each respective one of the one or more of client systems (col. 9 lines 45-67, storing program segments).

Regarding Claim 36, Seidman shows the client selectively receives data files from the selected portion of the plurality of data files in response to content ratings associated with each client (col. 3 lines 55-67, program segments broadcast to users based on profile, col. 8 lines 20-50, head-end supplies different data based on ratings and profile).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-4, 8, 12, -14, 16-18, 21-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al (6,298,482) and further in view of Ten Kate et al (6,601,237).

Regarding Claim 2, Seidman further shows receiving ratings of the first plurality of data files and second plurality of data files from the one or more client systems (col. 6 lines 40-67, receiving profile report from user, col. 8 lines 20-45), determining overlapping data files as data files from the selected portion of the first and second plurality of data files to be broadcast by the broadcast service system (col. 9 lines 20-45, 57-67, col. 10 lines 1-20, overlapping segments), and eliminating, from the selected portion of the first plurality of data files, the overlapping data files to form the portion of the first plurality of data files to be broadcast to the one or more client systems by the service provider (col. 9 lines 10-55, displaying the program segment most relative to user

interest, and suppressing additional segments). Although Seidman shows that the profile ratings choose which program segment to display, he fails to specifically state that this selection is based on a higher rating. Ten Kate shows selecting a portion of the first and second plurality of data files which have having higher ratings based on the received ratings (col. 6 lines 1-23, showing program with higher priority rating). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to choose segments based on a higher rating, as taught in Ten Kate, so that the user would be provided with the most relevant data.

Regarding Claim 3, Although Seidman shows a "program menu," enabling storage of data files at the client system (col. 9 lines 45-67, storing of content segment prior to viewing, if there is overlap storage may be required, col. 10 lines 1-6, segment selection done automatically by the STB using the selection history summary), and additional data pertaining to broadcast times (col. 5 lines 13-22, col. 6 lines 65-67), he fails to specifically state a schedule broadcast prior to the segments and overlapping segments. Ten Kate shows broadcasting numerous amounts of schedule data pertaining to the program segments and overlapping segments (col. 1 lines 22-36, col. 2 lines 5-20, col. 4 lines 50-67, program schedule data describing parameters of broadcast segments). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to broadcast numerous amounts of schedule data, as taught in Ten Kate, so that the user would be provided with the most relevant data pertaining to a program and allow the system to compare different entries.

Regarding Claim 4, Seidman shows that a variety of hyperlinks are sent to the user, then the user selects the hyperlink, effectively sending the meta-data (col. 7 lines 28-38, col. 8 lines 19-45, selection of hyperlink sends user relevant metadata, hyperlink is effectively scheduling the display of data).

Regarding Claim 8, Seidman shows that a variety of hyperlinks are sent to the user, then the user selects the hyperlink, effectively sending the meta-data (col. 7 lines 28-38, col. 8 lines 19-45, selection of hyperlink sends user relevant metadata, hyperlink is effectively scheduling the display of data). Although Seidman shows a "program menu" and additional data pertaining to broadcast times (col. 5 lines 13-22, col. 6 lines 65-67), he fails to specifically state a schedule broadcast prior to the segments and overlapping segments. Ten Kate shows broadcasting numerous amounts of schedule data pertaining to the program segments and overlapping segments (col. 1 lines 22-36, col. 2 lines 5-20, col. 4 lines 50-67, program schedule data describing parameters of broadcast segments). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to broadcast numerous amounts of schedule data, as taught in Ten Kate, so that the user would be provided with the most relevant data pertaining to a program and allow the system to compare different entries.

Regarding Claim 12, receiving meta-data, the meta-data including descriptions of a first plurality of data files available from a service provider system and a second plurality of data files to be broadcast by a broadcast service system (col. 7 lines 34-40, col. 8 lines 16-35, embedded hyperlink data, col. 5 lines 13-22, col. 7 lines 39-55, data describing programming data, col. 9 lines 20-40, plurality of program segments for

viewing), rating, in response to a content rating table, at least one of the first and second plurality of data files described by the meta-data, the content rating table generated responsive to a user (col. 6 lines 25-52, col. 7 lines 63-67, col. 8 lines1-11, user ratings and profile of different shows), selectively receiving, based on the content rating table, a portion of the first plurality of data files broadcast by the service provider system (col. 3 lines 55-67, program segments broadcast to users based on profile, col. 8 lines 20-50, head-end supplies different data based on ratings and profile), storing one or more of the portion of the first plurality of data files broadcast by the service provider system (col. 9 lines 45-67, storing of content segment prior to viewing, if there is overlap storage may be required, col. 10 lines 1-6, segment selection done automatically by the STB using the selection history summary), and when data files from the portion of the second plurality of data files are available storing one or more of the data files based on the content rating table (col. 9 lines 45-67, storing program segments). Although Seidman shows a "program menu" and additional data pertaining to broadcast times (col. 5 lines 13-22, col. 6 lines 65-67), he fails to specifically state a schedule broadcast prior to the segments and overlapping segments. Ten Kate shows broadcasting numerous amounts of schedule data pertaining to the program segments and overlapping segments (col. 1 lines 22-36, col. 2 lines 5-20, col. 4 lines 50-67, program schedule data describing parameters of broadcast segments). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to broadcast numerous amounts of schedule data, as taught in Ten Kate, so that the user would be provided with

the most relevant data pertaining to a program and allow the system to compare different entries.

Regarding Claim 13, Seidman shows transmitting the user ratings to the service provider (col. 6 lines 40-67, sending user history and preferences to head end).

Regarding Claim 14, Seidman shows that a variety of hyperlinks are sent to the user, then the user selects the hyperlink, effectively sending the meta-data (col. 7 lines 28-38, col. 8 lines 19-45, selection of hyperlink sends user relevant metadata, hyperlink is effectively scheduling the display of data). Although Seidman shows a "program menu" and additional data pertaining to broadcast times (col. 5 lines 13-22, col. 6 lines 65-67), he fails to specifically state a schedule broadcast prior to the segments and overlapping segments. Ten Kate shows broadcasting numerous amounts of schedule data pertaining to the program segments and overlapping segments (col. 1 lines 22-36, col. 2 lines 5-20, col. 4 lines 50-67, program schedule data describing parameters of broadcast segments). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to broadcast numerous amounts of schedule data, as taught in Ten Kate, so that the user would be provided with the most relevant data pertaining to a program and allow the system to compare different entries.

Regarding Claim 16, all limitations of the claim have been discussed with regards to Claim 2.

Regarding Claim 17, all limitations of the claim have been discussed with regards to Claim 3.

Regarding Claim 18, all limitations of the claim have been discussed with regards to Claim 4.

Regarding Claim 21, all limitations of the claim have been discussed with regards to Claim 8.

Regarding Claim 22, Seidman shows a processor having circuitry to execute instructions (col. 11 lines 10-24, microcontroller), a communications interface coupled to processor to receive and transmit data from and to clients (col. 4 lines 30-55, communications path), and a storage device having instructions to execute the processor (col. 11 lines 24-35, RAM). All other limitations of the claim have been discussed with regards to Claim 12.

Regarding Claim 23, Seidman shows transmitting the user ratings to the service provider (col. 6 lines 40-67, sending user history and preferences to head end).

Regarding Claim 24, all limitations of the claim have been discussed with regards to Claim 14.

Regarding Claim 26, all limitations of the claim have been discussed with regards to Claim 2.

4. Claims 5, 10, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al (6,298,482) and further in view of Ten Kate et al (6,601,237) and Ballou, Jr et al (2002/0112235).

Regarding Claim 5, Seidman and Ten Kate fail to show receiving compensation for a stored data file and dividing compensation between the service provider and

broadcast service system based on the portion provided. Ballou shows receiving compensation for a stored data file (page 4 section 0038, receiving ID to charge credit account) and dividing compensation between the content provider and distributor (page 6 section 0063-0064, dividing compensation between distributor and content provider). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman and Ten Kate with the ability to charge per viewing and divide compensation, as taught in Ballou, so that the multiple providers would receive maximum compensation and the appropriate compensation would go to each.

Regarding Claim 9, Seidman shows receiving a selection for a stored data file (col. 9 lines 45-67, storing segments and user selecting appropriate segment). Seidman fails to show determining the service provider. Ten Kate shows the ability to determine information about content provider (col. 4 lines 35-67, SDT listing parameters of service for broadcast stream). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to determine the service provider, as in Ten Kate, so the system would know the source of the stream.

Seidman and Ten Kate fail to show billing the user a predetermined amount for selection of the stored data based on content provider information. Ballou shows billing the user a predetermined amount for selection of the stored data based on content provider information (page 4 section 0038, receiving ID to charge credit account, page 6 sections 0063-0065, billing according to multiple factors). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman and

Ten Kate with the ability to charge per viewing, as taught in Ballou, so that the multiple providers would receive maximum compensation.

Regarding Claim 10, Seidman fails to show determining the service provider. Ten Kate shows the ability to determine information about content provider (col. 4 lines 35-67, SDT listing parameters of service for broadcast stream). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to determine the service provider, as in Ten Kate, so the system would know the source of the stream.

Seidman and Ten Kate fail to show receiving compensation for a stored data file and dividing compensation between the service provider and broadcast service system based on the portion provided. Ballou shows receiving compensation for a stored data file (page 4 section 0038, receiving ID to charge credit account) and dividing compensation between the content provider and distributor (page 6 section 0063-0064, dividing compensation between distributor and content provider). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman and Ten Kate with the ability to charge per viewing and divide compensation, as taught in Ballou, so that the multiple providers would receive maximum compensation and the appropriate compensation would go to each.

Regarding Claim 31, all limitations of the claim have been discussed with regards to Claim 9.

Regarding Claim 32, all limitations of the claim have been discussed with regards to Claim 10.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al (6,298,482) and further in view of Barton et al (6,490,722).

Regarding Claim 30, Although Seidman shows that segments are stored and it is inherent new segments can be stored (col. 9-10, lines 47-19), he fails to specifically state the ability to remove data files stored on a client system once viewed by a user, and replace deleted data files with additional data files broadcast by the service provider system and the broadcast service system. Barton shows the ability to remove data files stored on a client system once viewed by a user, and replace deleted data files with additional data files broadcast by the service provider system and the broadcast service system (col. 18 lines 64-67, col. 19 lines 1-7, deleting previously viewed segments and replacing with new segments). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to erase older segments and store new segments, as taught in Barton, so that the user would be supplied with a continuous stream of viewing material.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al (6,298,482) and further in view of Ten Kate et al (6,601,237) and Ali (2002/0199194).

Regarding Claim 27, Although Seidman and Ten Kate show user ratings and preferences they both fail to specifically state that all of the users' rating are combined to form an overall ratings list. Ali shows combining multiple users' ratings to form an overall ratings list (page 3 section 0027, list of rated items are aggregated with the rated items from many other users into a single list). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman and

Ten Kate with the ability to aggregate multiple users' ratings, as shown in Ali, so that suggestions could be made to the user of recommended shows.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Nalevanko whose telephone number is 571-272-7299. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER